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Please take notice on December 28, 2006, at 10:00 o'clock a.m., or as soon thereafter as counsel may be heard, at the Marion County Circuit/Superior Court Clerk, 200 East Washington Street, Room #W-122, Indianapolis, Indiana, 46204, the Plaintiff will, by the Motion attached hereto, move the Court for a temporary restraining order to restrain the Defendant, Allen R. Kleiman, his employees, agents, representatives, successors, and assigns, and any other person acting at his direction, from soliciting or engaging in the sale of purported high school and college diplomas or transcripts, via the Internet or otherwise, without obtaining prior authorization from the named high school or college, in violation of the Indiana Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-1, *et seq.*, pending hearing on the Plaintiff's Motion for Preliminary Injunction, and for all other just and proper relief.

Respectfully submitted,

STEVE CARTER
Indiana Attorney General
Atty. No. 4150-64

By:



Terry Tolliver
Deputy Attorney General
Atty. No. 22556-49

Office of Attorney General
Indiana Government Center South
302 W. Washington, 5th Floor
Indianapolis, IN 46204
Telephone: (317) 233-3300

STATE OF INDIANA,

Plaintiff,

v.

ALLEN R. KLEIMAN,
individually and doing business as
NOVELTYWORKSDEGREES.COM

Defendant.

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Terry Tolliver, respectfully moves the Court pursuant to Rule 65 of the Indiana Rules of Trial Procedure and Ind. Code § 24-5-0.5-4(c), to issue a Temporary Restraining Order restraining the Defendant, Allen R. Kleiman, individually and doing business as Noveltyworksdegrees.com, from soliciting or engaging in the sale of purported high school or college diplomas or transcripts, via the Internet or otherwise, without obtaining prior authorization from the named high school or college, in violation of the Indiana Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-1, *et seq.*, pending hearing on the Plaintiff's Motion for Preliminary Injunction, and in support of its motion states:

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high school or college, in violation of the Indiana Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-1, *et seq.* The allegations of the Plaintiff's Complaint are incorporated herein and made a part of this motion by reference.

2. As shown by the Plaintiff's Complaint filed by the Plaintiff and the affidavit of Kerria (Hardwick) Bodin filed herewith, the Office of the Attorney General conducted an investigation of the Defendant and learned the Defendant has solicited and/or engaged in the sale of purported high school and college diplomas or transcripts.

3. As shown by the affidavit of Dean Leonard Fromm of Indiana University, he has reviewed the diploma and accompanying transcript sold to the Plaintiff by the Defendant, and the diploma and transcript are fraudulent and include courses that were not offered during the time frame specified, have inaccurate titles, or have never been offered by the Indiana University School of Law.

4. Dean Fromm's affidavit also states the Defendant is not authorized by Indiana University to print diplomas and Martin R. Kent is not Indiana University's Registrar, nor has he ever been. Dean Fromm continues and states he believes Mr. Kent has never even been an employee of the Registrar's Office of Indiana University.

5. If the Defendant and his agents are not restrained from continuing to solicit or engage in the sale of purported high school and college diplomas or transcripts, via the Internet or otherwise, without obtaining prior authorization from the named high school or college, in violation of the Indiana Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-1, *et seq.*, the Plaintiff believes irreparable harm will result.

6. Pursuant to the Indiana Deceptive Consumer Sales Act, Ind. Code § 24-5-0.5-3(a)(1), it is unlawful for the Defendant to misrepresent the subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have which the Defendant knows or should reasonably know it does not have such.

7. Pursuant to the Indiana Deceptive Consumer Sales Act, Ind. Code § 24-5-0.5-3(a)(2), it is unlawful for the Defendant to represent the subject of a consumer transaction is of a particular standard, quality, or grade, when it is not, and the Defendant knows or should reasonably know it is not.

8. “Where the action to be enjoined is unlawful, the unlawful act constitutes *per se* ‘irreparable harm’ for purposes of the preliminary injunction analysis.”

Department of Financial Institutions v. Mega Net Services, 833 N.E.2d 477, 485 (Ind. App. 2005) (citations omitted).

9. “When the *per se* rule is invoked, the trial court has determined that the defendant’s actions have violated a statute and, thus, that the public interest is so great that the injunction should issue regardless of whether the plaintiff has actually incurred irreparable harm or whether the plaintiff will suffer greater injury than the defendant.” *Id.* at 485-6.

10. A temporary restraining order is necessary to prevent additional deceptive acts from occurring until the issues raised by the Plaintiff’s Motion for Preliminary Injunction can be heard and considered by the Court.

11. There is a substantial likelihood the Plaintiff will prevail on its Complaint in this action, and there is no adequate remedy at law.

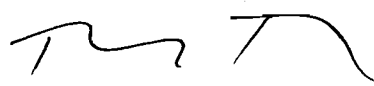
12. The Plaintiff is a governmental organization and is not required to offer security pursuant to Rule 65(c) of the Indiana Rules of Trial Procedure and Ind. Code § 4-6-3-2(b).

WHEREFORE, the Plaintiff requests the Court issue an order restraining the Defendant, Allen Kleiman, and his employees, agents, and representatives, from soliciting or engaging in the sale of purported high school or college diplomas or transcripts, via the Internet or otherwise, without obtaining prior authorization from the named high school or college, in violation of the Indiana Deceptive Consumer Sales Act, Ind. Code § 24-5-0.5-1, *et seq.*, pending hearing on the Plaintiff's Motion for Preliminary Injunction, and for all other just and proper relief.

Respectfully submitted,

STEVE CARTER
Indiana Attorney General
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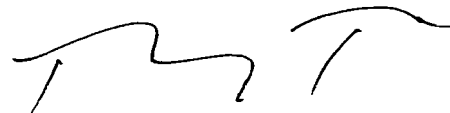
By:



Terry Tolliver
Deputy Attorney General
Atty. No. 22556-49

CERTIFICATE OF SERVICE

The undersigned hereby certifies the Office of the Attorney General personally served a copy of the above Notice and Motion for Temporary Restraining Order and Preliminary Injunction upon the Defendant, Allen R. Kleiman, and a copy of the above Motion was mailed by United States Mail, first class postage prepaid, to the Defendant, Allen R. Kleiman, 2049 Alysheba Drive, Indianapolis, Indiana, 46234, all on this 21st day of December, 2006.



Terry Tolliver

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